

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency)	
Calling Systems)	
)	
Amendment of Parts 2 and 25 to Implement the)	
Global Mobile Personal Communications by)	
Satellite (GMPCS) Memorandum of)	
Understanding and Arrangements; Petition of the)	IB Docket No. 99-67
National Telecommunications and Information)	
Administration to Amend Part 25 of the)	
Commission's Rules to Establish Emissions)	
Limits for Mobile and Portable Earth Stations)	
Operating in the 1610-1660.5 MHz Band)	

REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AWS") hereby replies to the comments filed in response to the *Further Notice* in the above-captioned proceeding.^{1/} The *Further Notice* sought comment on whether certain wireless and wireline services should be required to comply with the Commission's basic and enhanced 911 ("E911") rules. Many commenters agree with AWS that providers of MSS services that offer real-time, two-way, switched voice service that is interconnected with the public switched telephone network ("PSTN") should be required to comply with the Commission's basic and E911 rules because such services satisfy a sufficient

^{1/} *In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band*, CC Docket No. 94-102, IB Docket No.

number of the general criteria set forth in the *Further Notice* to warrant such compliance. In addition, commenters agree with AWS that the Commission should require telematics providers who offer wireless services that allow subscribers to place 911 calls directly via the PSTN to comply with the E911 rules. AWS also agrees with those commenters who support the creation of a single national PSAP database designed to ensure that all 911 calls are transmitted to the correct PSAP. To ensure that such a national database is useful, however, PSAPs must be required to provide up-to-date information on a regular basis.

DISCUSSION

Most commenters, including certain MSS providers, agree with AWS that MSS providers that offer real-time, two-way, voice service that is interconnected with the PSTN should be required to comply with the Commission's basic and E911 requirements.^{2/} As the comments demonstrate, such services satisfy a sufficient number of the criteria set forth in the *Further Notice* to warrant such compliance. First, as several members of the public safety community argue, MSS customers reasonably expect to have access to 911 and E911 services when making calls using MSS handsets.^{3/} For example, APCO states that "MSS seeks to serve sectors of the traditional voice communications market, where a reasonable expectation exists that access to emergency response services is available."^{4/}

99-67, *Further Notice of Proposed Rulemaking*, FCC 02-326 (rel. Dec. 20, 2002) ("*Further Notice*").

^{2/} APCO Comments at 5-6; Benton County Emergency Services E911 Program Comments at 2; Washington State E911 Comments at 5; CTIA Comments at 5-6; Nextel Comments at 14; Sprint Comments at 2-4; Final Analysis Communications Services Comments at 3; Mobile Satellite Ventures Comments at 14.

^{3/} APCO Comments at 5-6; Benton County Emergency Services E911 Program Comments at 2; Washington State E911 Comments at 5.

^{4/} APCO Comments at 6.

Second, such services compete with traditional CMRS. Echoing AWS' comments, Sprint notes that "[t]he Commission recently granted MSS providers an Ancillary Terrestrial Component to their licenses, permitting them to directly compete with traditional CMRS carriers."^{5/} CTIA agrees that there is no reason why MSS should be exempt from complying with the E911 rules, especially if consumers can substitute MSS with ATC service for traditional terrestrial CMRS offerings.^{6/}

Finally, while several MSS providers contend that it is not currently "feasible" for MSS systems to provide E911 services,^{7/} AWS does not believe that their claims are supported by the record. For example, Globalstar argues that not all MSS systems have inherent position location capability, therefore, an accuracy standard should not be established.^{8/} ICO Global Communications and Globalstar both argue that the costs to comply with the E911 rules would be enormous because they would require a substantial system redesign.^{9/} But as the comments filed by APCO, Sprint, and CTIA demonstrate, whether compliance with the E911 rules is "costly" or "complex" is not determinative.^{10/} When the Commission established the E911 rules for terrestrial wireless carriers it recognized that the rules were aspirational and technically challenging,^{11/} and it rejected arguments identical to those made by the MSS industry in this proceeding. MSS providers may face E911 deployment challenges similar to those faced by the

^{5/} Sprint Comments at 2.

^{6/} CTIA Comments at 5.

^{7/} Globalstar Comments at 6-8; ICO Global Communications Comments at 3-4.

^{8/} Globalstar Comments at 6-8.

^{9/} Globalstar Comments at 6-8; ICO Global Communications Comments at 3-4.

^{10/} APCO Comments at 3-5; CTIA Comments at 5-6; Sprint Comments at 2-3.

^{11/} See, e.g., *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442 at ¶ 7 (2000).

wireless industry, but they will also benefit from the advances that have already been made by terrestrial wireless carriers. Moreover, it would be inequitable for the FCC to hold MSS providers to a lesser standard than it imposes on the terrestrial wireless industry.^{12/} As Sprint explains, “the time has come for the MSS service providers to begin the work of the development and deployment of this service.”^{13/} APCO agrees that the only way to “move the MSS E911 requirement compliance effort from debate to solutions” is to require the MSS industry to comply.^{14/}

Commenters also agree with AWS that the Commission should impose its basic and enhanced 911 rules on telematics providers who offer wireless services that allow subscribers to place calls directly via the public switched telephone network. For example, the Washington State E911 Program states “when the Telematics device under control of the consumer also permits 911 dialing that is an E911 service which has already been considered in the Commission’s E911 CMRS rules.”^{15/} ComCARE likewise supports applying the E911 rules to new telematics handsets in the future, to the extent providers allow direct access to the PSTN.^{16/}

Finally, AWS agrees with the Benton County Emergency Services E911 Program, ICO Global Communications and Mobile Satellite Ventures that the creation of a national PSAP database would be very beneficial to the deployment of E911 services.^{17/} The Benton County Emergency Services E911 Program notes that it has encountered a variety of entities who claim

^{12/} CTIA Comments at 5-6; Sprint Comments at 2-4.

^{13/} Sprint Comments at 2.

^{14/} APCO comments at 5-6.

^{15/} Washington State E911 Program Comments at 6.

^{16/} ComCARE Comments at 33.

^{17/} Benton County Emergency Services E911 Program Comments at 2; ICO Global Communications Comments at 8-10.

to have a PSAP database, but that these entities do not have accurate information for the PSAPs in Benton's E911 system.^{18/} ICO agrees that, although various organizations offer PSAP databases, it is not aware of any database that is reasonably accurate and complete.^{19/} While a single national PSAP database designed to ensure that all 911 calls are transmitted to the correct PSAP would speed the deployment of E911 services, the usefulness of this database will be driven in large part by the accuracy and completeness of the PSAP data it contains. Accordingly, to be practical, the Benton County/ICO proposal would need to require all participating PSAPs to provide up-to-date information regarding jurisdictional boundaries and other relevant data on a regular basis. Absent such a requirement, the viability of the Benton County/ICO proposal is questionable.

^{18/} Benton County Emergency Services E911 Program Comments at 2.

^{19/} ICO Global Communications Comments at 8.

CONCLUSION

For the reasons set forth above, the Commission should require providers of MSS and telematics services that compete with traditional CMRS to comply with the basic and enhanced 911 rules, and should support the creation of a single national PSAP database.

Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

/s/ Douglas I. Brandon

Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 223-9222

Howard J. Symons
Michelle M. Mundt
Bryan T. Bookhard
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
(202) 434-7300

Of Counsel

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CERTIFICATE OF SERVICE

I, Bryan Bookhard, hereby certify that on the 25th day of March, I caused copies of the foregoing "Reply Comments of AT&T Wireless Services, Inc." to be sent to the following by either first class mail, postage pre-paid, or by hand delivery to the following:

Michael F. Altschul
Cellular Telecommunications &
Internet Association
1250 Connecticut Avenue, N.W., Suite 800
Washington, D.C. 20036

Bill Belt
Derek Khlopin
Grant Seiffert
Telecommunications Industry Association
1300 Pennsylvania Avenue, N.W., Suite 350
Washington, D.C. 20004

Joseph P. Benkert
Counsel to Boulder Regional Emergency
Telephone Service Authority
Joseph P. Benkert, P.C.
P.O. Box 620308
Littleton, CO 80162-0308

James S. Blaszak
Stephen J. Rosen
Andrew M. Brown
Counsel to The Ad Hoc Telecommunications
Users Committee
Levine, Blaszak, Block and Boothby, LLP
2001 L Street, N.W., Suite 900
Washington, D.C. 20036

Thera Bradshaw
Association of Public-Safety Communications
Officials-International, Inc.
351 N. Williamson Blvd.
Daytona Beach, FL 32114

Mitchell F. Brecher
Nancy E. Boocker
Counsel to TracFone Wireless, Inc.
Greenberg Traurig, LLP
800 Connecticut Avenue, N.W., Suite 500
Washington, D.C. 20006

Mary E. Brooner
Motorola, Inc.
1350 I Street, N.W., Suite 400
Washington, D.C. 20005

Dian Callaghan
Counsel to Colorado Advisory 9-1-1
Task Force
1580 Logan Street, Suite 740
Denver, CO 80203

Michael X. Cammisa
Association of International Automobile
Manufacturers, Inc.
1001 North 19th Street, Suite 1200
Arlington, VA 22209

Helen E. Disenhaus
Michael P. Donahue
Counsel to Virgin Mobile USA, LLC
Swidler Berlin Shereff Friedman, LLP
300 K Street, N.W., Suite 300
Washington, D.C. 20007

Gary M. Epstein
John P. Janka
Alexander D. Hoehn-Saric
Counsel to Inmarsat Ventures PLC
Latham & Watkins, LLP
555 11th Street, N.W., Suite 1000
Washington, D.C. 20004

Kenneth D. Enborg
William L. Ball
OnStar Corporation
1400 Stephenson Highway
Troy, Michigan 48083-1189

Ari Q. Fitzgerald
David L. Martin
Counsel to NEC America, Inc.
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109

Robert S. Foosaner
Lawrence R. Krevor
Laura L. Holloway
James Paull IV
Counsel to Nextel Communications, Inc.
2001 Edmund Halley Drive
Reston, VA 20191-3436

Scott Blake Harris
Michael D. Nilsson
Counsel to SkyBitz, Inc.
Harris, Wiltsire & Grannis, LLP
1200 18th Street, N.W., Suite 1200
Washington, D.C. 20036-2560

Henry G. Hultquist
WorldCom, Inc.
1133 19th Street, N.W.
Washington, D.C. 20036

Gary M. Epstein
James H. Barker
William S. Carnell
Counsel to Toyota Motor North America, Inc.
Latham & Watkins, LLP
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-2505

Michele C. Farquhar
David L. Martin
Counsel to AirCell, Inc.
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109

Ari Q. Fitzgerald
David L. Martin
Counsel to Mercedes-Benz USA, LLC
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109

Dean L. Grayson
Counsel to Avaya, Inc.
1450 G Street, N.W.
Washington, D.C. 20005

David L. Hill
Audrey P. Rasmussen
Counsel to Paging Systems, Inc.
Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.
1120 20th Street, N.W.
Suite 700, North Building
Washington, D.C. 20036-3406

Bruce D. Jacobs
David S. Konezal
Counsel to Mobile Satellite Ventures
Subsidiary LLC
Shaw Pittman, LLP
2300 N Street, N.W.
Washington, D.C. 20037

Martha Jenkins
Intrado, Inc.
Federal Regulatory Affairs
1225 I Street, N.W., #500
Washington, D.C. 20005

Robert B. Kelly
Mark D. Johnson
Counsel to The Intelligent Transportation
Society of America
Squire, Sanders & Dempsey, LLP
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044-0407

Alan Kitey
ComCARE Alliance
888 17th Street, N.W.
Washington, D.C. 20006

Luisa L. Lancetti
Sprint
401 9th Street N.W., Suite 400
Washington, DC 20004

Lon C. Levin
Mobile Satellite Ventures Subsidiary LLC
10802 Park Ridge Boulevard
Reston, VA 20191

Jill M. Lyon
Brett W. Kilbourne
United Telecom Council
1901 Pennsylvania Avenue, Fifth Floor
Washington, D.C. 20006

Alfred M. Mamlet
Todd B. Lantor
Counsel to Mobile Networks Inc. and Stratos
Communications, Inc.
Steptoe & Johnson, LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Charles W. McKee
Counsel to Sprint Corporation on behalf of
Sprint Spectrum L.P., d/b/a Sprint PCS
6450 Sprint Parkway
Mail Stop: KSOPHIO414-4A325
Overland Park, KS 66251

Lorlee Mizell
651 Truman Avenue
Richland, WA 99352

Robert G. Oenning
Washington State E911 Program
Washington State Military Department
Camp Murray, Washington 98430-5011

Laura H. Phillips
Jason E. Friedrich
Counsel to Nextel Communications, Inc.
Drinker Biddle & Reath, LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209

Aileen a. Pisciotta
Randall W. Sifers
Counsel to Final Analysis Communications
Services, Inc.
Kelley Drye & Warren, LLP
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036

Alan R. Shark
American Mobile Telecommunications
Association, Inc.
1130 Connecticut Avenue, N.W., Suite 325
Washington, D.C. 20036

Cheryl A. Tritt
Phuong Pham
David Munson
Counsel to ICO Global Communications
(Holding) Limited
Morrison & Foerster, LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006

Phillip L. Verveer
David M. Don
Robert Millar
Counsel to TruePosition, Inc.
Willkie Farr & Gallagher
1875 K Street, N.W.
Washington, D.C. 20036

Gerard J. Waldron
Amy L. Levine
Counsel to the American Automobile Assoc.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

Gary Wallace
ATX Technologies, Inc.
8550 Freeport Parkway
Irving, Texas 75063-2547

William D. Wallace
Counsel to Globalstar USA, LLC and
Globalstar, L.P.
Crowell & Moring, LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Karl-Hein Ziwick
BMW Group Company
1 BMW Plaza
Montvale, NJ 07645-1866

Lorlee Mizell
Benton County Emergency Services
651 Truman Ave.
Richland, WA 99352

Dennis C. Brown
Mobex Network Services, LLC
126/B North Bedford Street
Arlington, VA 22201

/s/ Bryan Bookhard
Bryan Bookhard